

**COMMONWEALTH OF MASSACHUSETTS**  
**DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

---

Petition of Verizon New England Inc. for Arbitration  
of an Amendment to Interconnection Agreements with  
Competitive Local Exchange Carriers and Commercial  
Mobile Radio Service Providers in Massachusetts  
Pursuant to Section 252 of the Communications Act  
of 1934, as Amended, and the *Triennial Review Order*

---

**D.T.E. 04-33**

**NOTICE OF WITHDRAWAL OF PETITION  
FOR ARBITRATION AS TO CERTAIN PARTIES**

Verizon Massachusetts (“Verizon MA”) hereby withdraws its Petition for Arbitration in the above proceeding with respect to all CLECs in Massachusetts listed on attached Exhibit A. This proceeding should, however, proceed as to those carriers identified in Exhibit B.

Verizon MA initiated this arbitration to amend its interconnection agreements to memorialize the FCC’s determinations in the Federal Communications Commission’s *Triennial Review Order*.<sup>1</sup> Verizon MA’s interconnection agreements with the CLECs in Massachusetts listed on Exhibit A already contain specific terms permitting Verizon MA, upon specified notice, to cease providing UNEs that are no longer subject to an unbundling obligation under 47 U.S.C. § 251(c)(3) and 47 C.F.R. Part 51.<sup>2</sup> Thus, these agreements need not be amended in order to

---

<sup>1</sup> Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 18 FCC Rcd 16978 (2003) (“*Triennial Review Order*” or “*TRO*”), vacated in part and remanded, *United States Telecom Ass’n v. FCC*, 359 F.3d 554 (D.C. Cir. 2004) (“*USTA II*”).

<sup>2</sup> Exhibit A also contains several carriers who no longer have effective interconnection agreements with Verizon MA or who by agreement do not obtain unbundled network elements from Verizon MA.

implement Verizon MA's contractual right to cease providing UNEs that were eliminated by the *TRO* or the D.C. Circuit's *USTA II* decision.<sup>3</sup>

Verizon MA notes that the Department does not need to decide at this time whether Verizon MA's interpretation of the interconnection agreements for the carriers listed in Exhibit A is correct. Indeed, it would be more appropriate for the Department to construe the agreements only if an actual interpretation disagreement develops between the parties. At this point, there are only hypothetical disagreements that might (but might not) ripen into actual disputes before the Department. It is possible that there will be no dispute with respect to many, if not all, of the carriers listed on Exhibit A — either because carriers agree with Verizon MA's interpretation of its rights under the existing agreements, or because future legal rulings by the FCC or the courts moot the disagreements.

The Department should wait until an actual disagreement materializes for another reason: virtually all, if not all, of the interconnection agreements specify processes that must be followed in the event that one party disagrees with the other's interpretation of the agreement. Those processes typically require a period of negotiations before any complaints are presented to the Department or another adjudicator with jurisdiction to rule on the parties' dispute. If and when these procedural preconditions are met, if a CLEC disagrees with Verizon MA's implementation of an FCC or judicial ruling under an agreement, the CLEC may be permitted under the terms of the agreement to bring a complaint to the Department or other appropriate decision-maker for resolution.

---

<sup>3</sup> Amendments may well not be required even for agreements that appear to call for an amendment to effect a change of law, such as the agreements with CLECs listed on Exhibit A. Verizon MA does not, by prosecuting this arbitration, waive the right to argue that the issuance of the mandate in *USTA II* does not generate a "change of law" under the terms of the parties' agreements. Nor does Verizon MA waive the argument that it cannot be required under its agreements with the CLECs listed on Exhibit A to continue to provide UNEs eliminated by the *TRO* or *USTA II*. This arbitration should nevertheless proceed as to those CLECs in order to eliminate any doubt regarding Verizon MA's right to cease providing such UNEs.

Moreover, as set forth in the Department's Letter Order dated June 15, 2004 and proffered in Verizon MA's Opposition to Parties Requests for Expedited or Emergency Relief, dated June 10, 2004, Verizon MA will provide 90 days advance notice to all CLECs before taking any action with respect to UNEs eliminated by the *TRO* or *USTA II*, even if a particular CLEC's agreement requires shorter notice or none at all.<sup>4</sup> Similarly, although agreements typically provide for the *discontinuation* of UNEs that are no longer required, Verizon MA does not intend to disconnect any CLEC's service on account of these legal rulings, but will instead reprice those service offerings to equivalent services (resale for UNE-P; special access for high capacity loops and transport), unless the CLEC either requests disconnection or negotiates a commercial replacement for the delisted UNEs.

Respectfully submitted,

VERIZON MASSACHUSETTS

By its attorneys,

/s/Bruce P. Beausejour  
Bruce P. Beausejour  
Keefe B. Clemons  
Barbara Anne Sousa  
185 Franklin Street – 13<sup>th</sup> Floor  
Boston, MA 02110-1585  
(617) 743-2445

Dated: August 20, 2004

---

<sup>4</sup> To date, Verizon has only given this 90-days advance notice of discontinuation with respect to DS1 Enterprise Switching eliminated by the *TRO* and 4-Line DS0 switching subject to the FCC's Four-Line Carve-Out Rule, which was reaffirmed in the *TRO*. Those notices were provided CLECs on May 18, 2004, and take effect on August 22, 2004. Verizon has not yet issued 90-day notices for the UNEs eliminated by the *USTA II* mandate.

**EXHIBIT A  
TO  
NOTICE OF WITHDRAWAL OF PETITION FOR ARBITRATION**

1-800-Reconex Inc.  
AboveNet Communications Inc.  
ACC National Telecom Corp.  
Access Point Inc.  
AccessBridge Communications, Inc.  
AccessPlus Communications Inc.  
ACN Communications Services Inc.  
Adelphia Business Solutions Operations Inc.  
AirCover Network Solutions  
AirTouch Paging  
AmeriVision Communications Inc.  
Aquis Wireless Communications Inc.  
Arch Wireless Operating Company Inc.  
AT&T Wireless Service Inc.  
Avatar Telecom Inc.  
BCN Telecom, Inc.  
BrahmaCom Inc.  
BroadBand Office Communications Inc.  
BroadRiver Communications of the Northeast Corporation  
Broadstream Corporation  
Broadview Networks Inc.  
Broadview NP Acquisition Corp. d/b/a Broadview NetPlus  
Budget Phone Inc.  
BullsEye Telecom Inc.  
Cablevision Lightpath – MA Inc.  
Cat Communications International Inc.  
CCG Communications, LLC  
Cellco Partnership  
Charter Fiberlink MA-CCO, LLC  
Choice One Communications of Massachusetts Inc.  
Ciera Network Systems Inc.  
CO Space Services LLC  
Coastal Internet Access Inc.  
Community Networks of Massachusetts  
Comm South Companies, Inc.  
Comtech21, LLC  
CoreTel Massachusetts Inc.

Cornerstone Telephone Company, LLC  
Covad Communications Company  
Covista, Inc.  
Crocker Telecommunications, LLC  
CTC Communications Corp.  
Cypress Communications Operating Company Inc.  
Dark Air Corporation  
DSCI Corporation  
DSLnet Communications LLC  
Equal Access Networks LLC  
Essex Acquisition Corp.  
Excel Telecommunications Inc.  
Focal Communications Corporation of Massachusetts  
GFC Communications Inc.  
Global NAPS Inc.  
Granite Telecommunications LLC  
Health Care Liability Management Corporation, d/b/a Fibre Channel Networks Inc.  
ICG Telecom Group Inc.  
IDS Telcom L.L.C.  
International Telcom Ltd. d/b/a Kallback  
KMC Telecom V Inc.  
Level 3 Communications LLC  
Lightship Telecom LLC  
LightWave Communications Inc.  
Line 1 Communications LLC d/b/a Direct Line Communications  
Local Telecom Holdings LLC, d/b/a Transpoint Communications LLC  
Manhattan Telecommunications Corporation  
McGraw Communications Inc.  
MCI WORLDCOM Communications, Inc. (as successor to Rhythms Links Inc.)  
MegaCLEC Inc.  
Metro Teleconnect Companies Inc.  
Metrocall Inc.  
Mezco L.L.C.  
Navigator Telecommunications LLC  
NECLEC LLC  
NEON Connect Inc.  
Network Services LLC  
New Access Communications LLC  
New Edge Network Inc.  
New Horizons Communications Corp.  
New Rochelle Telephone Corp.  
NEXTEL Communications of the Mid-Atlantic Inc.  
Norfolk County Internet Inc., d/b/a NCI telecom  
North Atlantic Networks LLC  
NOS Communications Inc.

NOW Communications Inc.  
NUI Telecom Inc.  
OneStar Long Distance Inc.  
OnSite Access Local LLC  
PaeTec Communications Inc.  
Preferred Carrier Services Inc.  
Premiere Network Services Inc.  
Prospeed.Net Inc.  
QuantumShift Communications Inc.  
Richmond Connections Inc.  
SBC Telecom Inc.  
Smart Beep Inc.  
SPRINT Communications Company L.P.  
Sprint Spectrum LP, General Partner of WirelessCo LP d/b/a Sprint PCS  
Swift River Telecom Inc.  
Talk America Inc.  
Teleconex Inc.  
TeleServices Group Inc.  
Think 12 Corporation  
Trans National Communications International, Inc.  
Transbeam (Media Log)  
United Systems Access Inc.  
USA Telephone Inc.  
VarTec Telecom Inc.  
Verizon Wireless Messaging Services, LLC  
VIC-RMTS-DC LLC  
Weblink Wireless, Inc.  
Williams Local Network LLC  
Winstar Communications LLC  
WINSTAR Wireless of Massachusetts Inc.  
Worldxchange Corp., d/b/a Acceris Communications Solutions  
Z-Tel Communications Inc.

**EXHIBIT B**  
**TO**  
**NOTICE OF WITHDRAWAL OF PETITION FOR ARBITRATION**

Allegiance Telecom of Massachusetts Inc.  
AT&T Communications of New England Inc.  
A.R.C. Networks Inc.  
Brooks Fiber Communications of Massachusetts Inc.  
C2C Fiber of Massachusetts LLC  
Comcast Phone of Massachusetts Inc.  
Conversent Communications of Massachusetts LLC  
CoreComm Massachusetts Inc.  
Eagle Communications Inc.  
Freedom Ring Communications L.L.C., d/b/a Bay Ring Communications  
Global Crossing Local Services Inc.  
IDT America Corp.  
Intermedia Communications Inc.  
Looking Glass Networks Inc.  
MCI Worldcom Communications Inc.  
MCImetroAccess Transmission Services LLC  
Metropolitan Telecommunications of Massachusetts, Inc., d/b/a MetTel  
Neutral Tandem-Massachusetts, LLC  
PNG Telecommunications Inc.  
Qwest Communications Corporation  
RCN-BecoCom LLC  
RCN Telecom Services of Massachusetts Inc.  
RNK Inc., d/b/a RNK Telecom  
Spectrotel, Inc.  
Teleport Communications-Boston, Inc.  
US WEST Interprise America Inc., d/b/a Interprise  
Volo Communications of Massachusetts Inc.  
Vylink Communications, Inc.  
WilTel Local Network, LLC  
XO Massachusetts Inc.  
Yipes Transmission Inc.